

Message Text

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PAGE 01 STATE 229985

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DRAFTED BY COM/OED/MEPD/JNRRANDOLPH, JR./LW

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COM/OED/MEPD/JMSANDS, DIR.

COM/OIM (INFO)

ARA/EP/JAALLITTO (INFO)

ARA/ECP/DLACEY (INFO)

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R 170212Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY QUITO

AMCONSUL GUAYAQUIL

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E.O. 11652:N/A

TAGS: BENC, EC

SUBJECT: MAJOR PROJECT: GUAYAQUIL PORT EXPANSION

REF: QUITO 4167 AND PREVIOUS

1. RAYMOND INTERNATIONAL'S GENERAL COUNSEL FEDERA CONTACTED COMMERCE MAJOR PROJECTS CONCERNING SUBJECT CONTRACT. RAYMOND'S UNDERSTANDING THAT GUAYAQUIL PORT AUTHORITY (GPA) WOULD ACCEPT PERFORMANCE GUARANTEE CALLING FOR ARBITRATION BY INTERNATIONAL CHAMBER OF COMMERCE AND AN INDEPENDENT CONSULTANT TO DETERMINE FAILURE LIKELIHOOD IN SOILS ENGINEERING HAS NOW BEEN REJECTED. RAYMOND ALSO CONCERNED THAT BID GUARANTEE WITH LOCAL BRANCH BANK OF AMERICA, WHICH HAS BEEN EXTENDED FOUR TIMES AND NOW EXPIRES SEPTEMBER 30, WILL BE CALLED CAPRICIOUSLY BY GPA. WITH UNFAVORABLE PUBLICITY ABOUT RAYMOND BY NEW GPA PRESIDENT,
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PAGE 02 STATE 229985

RAYMOND CONCERNED THAT ITS OFFICIALS, WHICH FIRM WOULD

LIKE TO SEND TO GUAYAQUIL, COULD BE INCARCERATED. WOULD APPRECIATE EMBASSY AND CONGEN'S ASSESSMENT THIS LIKELIHOOD. PLEASE ADVISE.

2. FYI REMINDED FEDERA THAT, DESPITE NUMEROUS EXCHANGES OF CABLES THIS PROJECT AND POSTS' SUPPORT, RAYMOND OFFICIALS HAVE NEVER MADE COURTESY CALL TO DEBRIEF CONGEN ON ITS NEGOTIATIONS WITH GPA. OUR JUDGEMENT RAYMOND WOULD LIKE FORGET PROJECT BUT TRYING PROTECT SIZABLE BID GUARANTEE. BELIEVE THEIR CONCERN OVER ONE-WAY PERFORMANCE GUARANTEE AND ENGINEERING DEFICENCIES VALID. END FYI. HABIB

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To: QUITO GUAYAQUIL
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